

The agency does not apply the trust provision in any case in which the agency determines that such application would work an undue hardship.

The following criteria will be used to determine whether the agency will not count assets transferred because the penalty would work an undue hardship:

The agency determines that the individual would be deprived of medical care such that his/her health or life would be endangered, or

The agency determines that the individual would be deprived of food, clothing, shelter, or other necessities of life.

In making these determinations, the agency may consider whether the individual has other reasonable alternatives to obtain medical care, food, clothing, shelter, or other necessities of life.

For trusts created before July 1, 1995, the agency determines that the trust complies with the agency's reasonable interpretation of Section 1917(d) of the Act in effect prior to December 13, 1994.

Under the agency's undue hardship provisions, the agency exempts the funds in an irrevocable burial trust.

The maximum value of the exemption for an irrevocable burial trust is \$1,500.

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